IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 27103 of 2005(B)
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PETITIONER:
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BABURAJAN.T. S/O.THANKAPPAN,
VALIAYAVEETTIL HOUSE, KUREEKKADU,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.F.FRANCIS

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE CHIEF SECRETARY TO STATE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE KERALA STATE FINANCIAL ENTERPRISES, REP. BY MANAGER, SREEKARIYAM BRANCH, THIRUVANANTHAPURAM (SPECIAL TAHSILDAR REVENUE RECOVERY) TRIVANDRUM.

3. S.RAMESHAN, NAVAL SHIPYARD, DOCK YARD (NSRY) NAVAL BASE, KOCHI.

R1 BY G.P. SRI. RAVINDRA BABU
R2 BY ADV. SRI.T.NAVEEN, SC, K.S.F.E. LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 2ND RESPONDENT DATED 6.6.2005

EXT.P2 TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE SPECIAL DEPUTY TAHSILDAR REVENUE RECOVERY, KANAYANNUR DATED 11.8.2005

EXT.P3 TRUE COPY OF THE ORDER ATTACHMENT DATED 13.8.2005

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

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W.P.C. NO. 27103 OF 2005

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Dated this the 14th day of December, 2007

JUDGMENT

Petitioner has not made out a case for interference with recovery proceedings initiated for recovery of arrears of loan availed by the third respondent for whom petitioner stood as surety. If the borrower does not settle liability, then recovery has to be made from the surety, namely, the petitioner. However, if the petitioner identifies the property of the default, then there will be direction to second respondent to proceed for recovery by attachment and sale of such properties and thereafter to proceed for recovery against the petitioner. However, if the petitioner fails to produce details of properties of the defaulter, then recovery can be continued against the petitioner.

W.P. is closed as above.

(C.N. RAMACHANDRAN NAIR)
Judge